

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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DOUGLAS W. FLAUGHER,

Plaintiff,

v.

JOEL D. HASTINGS, *et al.*,

Defendants.

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2:09-cv-01919-PMP-LRL

**ORDER**

Before the court is plaintiff's Motion for Discovery (#13). Plaintiff filed an Application to Proceed *In Forma Pauperis*, which the court granted on May 13, 2010. Plaintiff's Complaint (#8) was filed that day. Proof of service was due by September 13, 2010. On September 24, 2010, the court issued a notice of Intent to Dismiss (#12), explaining that plaintiff had yet to serve any defendant with summons and a copy of the Complaint pursuant to Fed. R. Civ. P. 4(m). The Rule 4(m) deadline for service was reset to October 24, 2010. On October 18, 2010, plaintiff filed the instant Motion for Discovery requesting the court's assistance in finding out who the defendants are and where to find them. While plaintiff is entitled to serve the defendants named in this action, assuming they are correctly identified, and the court is obligated to assist him, *see* 28 U.S.C. § 1915(d), plaintiff must first obtain appropriate addresses or identify appropriate agents to accept service for them. Plaintiff may be able to locate some defendants through the process of discovery. However, discovery in this case has not commenced. "A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)." Fed.R.Civ.P. 26(d). Plaintiff must first effectuate service on at least one defendant named in his case, and the defendant so served must first file an Answer or otherwise make an appearance before the parties are entitled to hold a Rule 26(f) conference. *See* Local Rule 26-1.

Accordingly, and for cause demonstrated,

1 IT IS ORDERED that plaintiff's Motion for Discovery (#13) is denied without prejudice.

2 DATED this 17th day of December, 2010.

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**LAWRENCE R. LEAVITT**  
5 **UNITED STATES MAGISTRATE JUDGE**